

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO.: H-4-21-cr-103-S4
	§	
MOHAMED M. MOKBEL,	§	JUDGE LEE H. ROSENTHAL
	§	
Defendant.	§	

**NOTICE OF SUPPLEMENTAL AUTHORITY REGARDING DEFENDANT’S
MOTION FOR A NEW TRIAL**

The United States files this notice to inform the Court that yesterday, in the published opinion of *United States v. Hall*, NO. 24-10515 (5th Cir. April 15, 2025) (see Attachment), the Fifth Circuit Court of Appeals ruled that:

A district court’s refusal to give a requested jury instruction is reviewed for abuse of discretion. See *United States v. Cervantes*, 104 F.4th 459, 469 (5th Cir. 2024). An abuse of discretion occurs when a requested instruction (1) is substantively correct, (2) is not substantially covered in the charge given to the jury, and (3) concerns a key issue in the trial such that its omission seriously impairs the defense. See *id.* Still, trial judges have broad discretion crafting jury instructions. See *United States v. Marchetti*, 96 F.4th 818, 829 (5th Cir. 2024). A district court does not err when it gives a charge that tracks this circuit’s pattern jury instruction and correctly states the law. See *United States v. Richardson*, 676 F.3d 491, 507 (5th Cir. 2012). The district court’s jury charge here was not a verbatim copy of this circuit’s pattern jury instructions, but it substantially followed them. . . . We hold that the charge substantially aligned with our pattern jury instruction and correctly stated the law. See *Richardson*, 676 F.3d at 507.

Id. at 10-11 (emphasis added).

Similarly here, as explained in the United States’ earlier briefing, the Court did not abuse its discretion in following the Fifth Circuit’s pattern jury instruction for the definition of materiality. Moreover, the language requested by the Defendant was appropriately overruled because it did not fit the facts of the trial evidence and was substantially covered in the charge given to the jury. In other words, yesterday’s published decision by the Fifth Circuit Court of

Appeals in *Hall* only further solidified the propriety of this Court's jury instruction.

Date: April 16, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 2025, I electronically filed this document with the Clerk of Court using CM/ECF, to which opposing counsels are members:

s/ Adam Laurence Goldman
Adam Laurence Goldman
Assistant United States Attorney